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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,271	10/31/2003	Wu Su-Syin	ASP-5011	2054
27777	7590	10/25/2007		
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			EXAMINER BUI, LUAN KIM	
			ART UNIT 3728	PAPER NUMBER
			MAIL DATE 10/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,271

Applicant(s)

SU-SYIN, WU

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/03 & 4/7/06</u> | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5, the phrase "...material a portion" is incomplete and indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Soto, et al. (5,866,069; hereinafter Soto'069). Soto'069 discloses a sterilization package for enclosing a device such as medical products (column 1, lines 14-16 and column 1, lines 27-30) during a sterilization procedure and storing the device in sterile form thereafter (column 1, line 66 to column 2, line 4), the package comprising a barrier film (column 2, lines 42-52 and column 3, lines 52-54) defining an interior space, the barrier film sealing the interior space from contaminating microorganisms and at least a portion of the barrier film formed from TYVEK which is considered equivalent to a semi-permeable material that permeable to sterilizing gasses (column 1, lines 66-67) and impermeable to contaminating microorganisms and at least a portion of an outer surface of the package is treated with silicone to render the package liquid repellent

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and able to withstand exposure to an oxidizing plasma sterilizing process. Since the outer surface of the package of Soto'069 is treated with silicone which is considered equivalent to the package having thereon a friction enhancing material (see claims 7 and 8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soto et al. (5,866,069; hereinafter Soto'069) in view of The Related Prior Art on pages 1-2 of the instant patent application (hereinafter The Related Prior Art) or Hoekstra (6,986,730). Soto'069 discloses the sterilization package for enclosing the device such as the medical products as above having most of the claimed limitations includes the package formed from TYVEK which is a gas permeable material (column 1, lines 66-67). To the extent that Soto'069 fails to show the material of the package being impermeable to contaminating microorganisms, The Related Prior Art teaches that it is old and conventional of providing a package comprising two film layers with one film formed from TYVEK which is permeable to sterilization gases and impermeable to potentially contaminating microorganisms. Hoekstra shows a pouch (100) for packaging medical device comprising a first layer (30) formed from a thermoplastic gas impermeable layer and a second layer (20) formed from TYVEK which is a gas permeable microbial barrier defined as permeable to sterilizing gases and impermeable to microbial contaminants (column 3, lines

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51-56). It would have been obvious to one having ordinary skill in the art at the time the invention was in view of The Related Prior Art or Hoekstra to modify the package of Soto'069 so the TYVEK package comprises a material that is impermeable to contaminating microorganisms for better protecting the contents disposed within the package.

7. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Related Prior Art on pages 1-2 of the instant patent application (hereinafter The Related Prior Art) or Hoekstra (6,986,730) in view of The European Publication No. 0 304 255 to Katila or The European Publication No. 0 863 087 to Hoefte or the German Patent No. 1 779 373 to Vollmer. The Related Prior Art or Hoekstra discloses the sterilization package as above having all the limitations of the claims except for at least a portion of an outer surface of the package having thereon a friction enhancing material.

Katila teaches a package formed from a conventional foil (1) comprising a pattern of friction surface (2) disposed on an outer surface of the package to facilitate staking of the packages (see abstract and column 1, lines 1-10). Hoefte shows a package comprising an outer surface and an anti-slip layer formed from a silicone based material disposed on the outer surface of the package to prevent the package slipping when the package is staked with other packages (see abstract). Vollmer suggests a bag comprising an outer surface and anti-slip coating disposed on the outer surface of the bag to prevent slipping of the bags on storage or stacking. It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Katila or Hoefte or Vollmer to modify the package of The Related Prior Art or Hoekstra so at

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least a portion of the outer surface of the package comprises a friction surface or an anti-slip layer to prevent the package from slipping during stacking with other packages.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
October 23, 2007

/Luan K. Bui/
Primary Examiner
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